

Claims 1-23, 33-35, and 37 were rejected, but claims 27 and 28 were not indicated as rejected. Applicants respectfully requests that the Examiner indicate these claims as allowable.

## II. Rejections Under 35 U.S.C. § 103

The Examiner has maintained, under U.S.C. § 103(a), the rejection of claims 1-23, 33-35<sup>1</sup> and 37 over U.S. Patent No. 5,449,519 to Wolf et al. ("Wolf") in view of U.S. Patent No. 5,679,374 to Fanchon et al. ("Fanchon"), and claims 24-26 as being unpatentable over Wolf in view of Fanchon, and further in view of U.S. Patent No. 5,569,651 to Garrison et al. ("Garrison") for the reasons set forth at pages 2-3 of the Office Action dated February 26, 2003.

Applicants continue to disagree with these rejections for reasons of record, as well as those set forth below.

**The complete compounds of Wolf are outside the scope of the polyamino polymers of the claimed invention.**

As discussed at the interview with the Examiner on March 27, 2003, Wolf does not teach or suggest the polyamino polymers, i.e., polyalkylenepolyamines, of the claimed invention. Instead, the invention of Wolf relates to compositions comprising a carrier molecule that includes a chemically bonded anti-acne active, i.e., the complexation of a keratolytic compound to a carrier molecule. See col. 1, line 56 - col. 2, line 21. As disclosed by Wolf, "[t]he term 'complex' refers to the keratolytic compound complexed or bound to the carrier molecule . . . [i.e.,] salicylic acid [the keratolytic compound] will react with the free amino groups on the carrier molecule to

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<sup>1</sup> The present Office Action clarifies that claim 34 has been rejected by the Examiner.

form a complex." Col. 3, lines 7-17 (emphasis added). The carrier molecule includes a synthetic polymer, such as polyamidoamines. *Id.* at col. 2, lines 53-62 and col. 3, line 39 - col. 4, line 10.

Wolf, however, does not disclose, suggest, or even remotely discuss polyamidoamines without a chemically bonded anti-acne active, much less the presently claimed polyamino polymers, i.e., polyalkylenepolyamines (i) – (ix) recited in independent claims 1 and 37. See M.P.E.P. § 2140.02, quoting *W. L. Gore and Associates, Inc. v. Garlock, Inc.* 721 F.2d 1540, 220 U.S.P.Q. 303 (Fed. Cir. 1983) (citations omitted) ("A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention."). Since the polymer of Wolf must be reacted with an anti-acne active, this complex is outside the scope of the at least one polyamino polymer recited in independent claims 1 and 37 of the claimed invention. In fact, as discussed in the instant specification and recited in instant claim 37,<sup>2</sup> the polyamino polymers of the present invention made it possible to inhibit the "light-induced peroxidation of photo-oxidizable lipids and the light-induced peroxidation of proteins," which is not taught or suggested by Wolf. Instant specification, page 20, lines 8-11.

Thus, Wolf fails to teach the polyamino polymers of the claimed invention, and since neither Fanchon nor Garrison teach or suggest the polyamino polymers of the claimed invention, the rejection should be withdrawn.

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<sup>2</sup> Instant claim 37 recites that the polyamino polymers are in "an amount effective to inhibit light-induced peroxidation of proteins, protein derivatives, and lipids." (Emphasis added).

**CONCLUSION**

In view of the foregoing remarks, Applicants respectfully request the reconsideration of this application and the timely allowance of the pending claims. Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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